THE HON'BLE SRI JUSTICE K.C.BHANU

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WRIT PETITION NO.20335 OF 2004

Between:

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M.Srinivasulu Reddy

……..Petitioner

Vs.

1.Zonal Manager, Food Corporation of India, Zonal Office No.3, Haddows Road, Chennai 600 006 and three others. … Respondents

Dt.02.09.2005

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O R D E R:

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This writ petition is filed for declaring the action of respondent No.4 in reverting the petitioner from the post of Typist on ad hoc promotion to the substantive post of Watchman vide Proceedings No.Estt3/7/2000/GENL dated 22.07.2003 as highly illegal, arbitrary, without jurisdiction, violative of Articles 14 and 16 of the Constitution of India and the Principles of natural justice and contrary to the orders issued by the first respondent in his first proceedings No.2(3)/2002-E.II dated 20.02.2002 and quash the same and consequently direct the respondents to regularize the services of the petitioner in the post of Typist.

It is the case of the petitioner that by the issuance of orders, dated 27.04.2004 of the third respondent, the petitioner was promoted as Typist for a period of one year i.e., from 29.04.2002 to 29.04.2003. He joined duty as Typist in the office of the fourth respondent on 29.04.2002. As the matter stood thus, without issuing any prior notice to the petitioner, the fourth respondent vide proceedings dated 22.07.2003 reverted the services of the petitioner from the post of Typist, to that of Watchman. In spite of

several representations made by the petitioner dated 27.01.2004, 10-06-2004 & 17.08.2004, there was no response from the respondent authorities. Hence, the petitioner is constrained to file this writ petition.

The learned counsel for the petitioner contended that the fourth respondent-District Manager, Food Corporation of India, Karimnagar, who passed the impugned order has no jurisdiction to revert the petitioner to the substantive post of Watchman and therefore, the order under challenge is liable to be set aside. He also raised a contention that as the petitioner was allowed to continue in the said post of Typist for morethan one year, the impugned orders issued by the respondent authorities without giving any opportunity of hearing to the petitioner is illegal.

On the other hand, the learned Standing Counsel for the respondents submitted that since the ad-hoc promotion is limited for a period of one year only, the continuation of the petitioner as Typist beyond the period of one year is a mistake on the part of the concerned officer who passed orders and for such a mistake, the petitioner can not take undue advantage of the position. Hence, the impugned order does not suffer from any illegality.

It is seen from the record that by way of proceedings dated 27.04.2002 the petitioner was promoted to the post of Typist purely on ad hoc basis for a period of one year. Even after the completion of one year, the petitioner continued in the said post till 22.07.2003. Clause 7(3) (c) of Food Corporation of India (Staff) Regulations, 1971 reads as follows:

> *"On a purely temporary basis for a period not exceeding one year".*

As it is clearly mentioned in the appointment order that the petitioner was promoted to the post of Typist purely on ad hoc basis for a period of one year, the

petitioner cannot be continued in the post of Typist even after the expiry of one year and as the impugned order is passed basing on Clause 7 (3) (c) of the Regulations, the impugned order do not suffer from any infirmities so as to call for the interference of this Court. The learned counsel for the petitioner placed strong reliance on a decision rendered by the High Court of Bombay reported in ***V.R.VISHWANATH RAMJI MJANDARE Vs. M.S.R.T.C.*** 2001 (1) SLR wherein it was held that the reversion order passed by the authority subordinate to the appointing authority is not proper and thereby allowed the writ petition. But in the present case since the Regulation itself contemplates that ad hoc appointments can be continued for only one year, the petitioner has no right to continue in the said post, unless his ad hoc promotion is further extended. Admittedly, in this case, ad hoc promotion of the petitioner is not extended after the expiry of one year i.e., from 29.04.2003.

The writ petition is devoid of merit and it is accordingly dismissed. The interim order granted earlier on 07.12.2004 is hereby vacated. No costs.

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K.C.BHANU J.,

02.09.20905

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